HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 747(S/S)2006

Const. 13, Armed Police,
Dharmdev Yadav S/o Sri Bhawan Yadav,
Reserve Police Line, Pithoragarh. ---- Petitioner.

Vs.

1. State of Uttaranchal through
   Secretary, Home,
2. Inspector General of Police, Nainital Zone,
   Uttaranchal,
3. Superintendent of Police, Pithoragarh. ----Respondents.

Sri Dinesh Gahtori, learned counsel for the petitioner.
Learned Standing Counsel for the State of Uttaranchal,

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Gahtori, learned counsel for the petitioner and learned Standing Counsel for the State Uttaranchal.

2. This writ petition has been filed by the petitioner for the following reliefs:-

i. A writ, order, rule or direction in the nature of mandamus directing the respondent no. 3 to relieve/transfer the petitioner from Armed Police to Civil Police which is the original cadre of the petitioner,

ii. Any other rule or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the cost to the petitioner.

2. Submission of the learned counsel for the petitioner is that vide order dated 6th May 2002 passed by the Superintendent of Police, Pithoragarh, the petitioner, who was working as Constable in Civil Police at police station Dharchula, district Pithoragarh, was transferred temporarily to Armed Police for a particular period of six months. The said period was never extended by the Competent Authority but even after expiry of about four years, the petitioner has not been repatriated to its original cadre i.e. to the Civil Police. In this regard, the petitioner has made number of representations before the authorities, however the authorities have not paid any heed towards his representations till date.

3. During the course of arguments, counsel for the petitioner prayed that the respondents' authorities be directed to take decision on the petitioner's representation for repatriation to his original cadre within the time prescribed by the Court.

4. The prayer is innocuous.

5. Consequently, I direct the respondent no. 3 to pass appropriate orders on the representation of the petitioner dated 19.04.2006 (annexure no. 5 to the writ petition) within a period of four weeks' from the date of production of a certified copy of this order.

6. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

June 9, 2006:
NCM: